

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP
2 Ryan S. Goldstein (Bar No. 208444)
3 ryangoldstein@quinnemanuel.com
4 Bruce E. Van Dalsem (Bar No. 124128)
5 brucevandalsem@quinnemanuel.com
6 Daniel C. Posner (Bar No. 232009)
7 danposner@quinnemanuel.com
8 865 South Figueroa Street, 10th Floor
9 Los Angeles, California 90017-2543
10 Telephone: (213) 443-3000
11 Facsimile: (213) 443-3100

12 Attorneys for TSUBURAYA
13 PRODUCTIONS CO. LTD.

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA
16 WESTERN DIVISION

17 UM CORPORATION, a Japanese
18 corporation,

19 Plaintiff,

20 vs.

21 TSUBURAYA PRODUCTIONS CO.
22 LTD., a Japanese corporation,

23 Defendant.

CASE NO. 2:15-cv-03764-AB-AJW

24 **DECLARATION OF SHINICHI**
25 **OOKA IN SUPPORT OF**
26 **TSUBURAYA'S OPPOSITION TO**
27 **UMC's MOTION FOR JUDGMENT**
28 **ON THE PLEADINGS OR, IN THE**
ALTERNATIVE, SUMMARY
JUDGMENT

Trial Date: August 22, 2017

1 TSUBURAYA PRODUCTIONS CO.
2 LTD., a Japanese corporation,

3 Counterclaimant,

4
5 vs.

6 UM CORPORATION, a Japanese
7 corporation; ULTRAMAN USA, INC.,
8 a California corporation; SOMPOTE
9 SAENGDUENCHAI, a Thai individual;
10 GOLDEN MEDIA GROUP, INC., a
11 California corporation; TIGA
12 ENTERTAINMENT COMPANY,
13 LTD., a Hong Kong corporation; and
14 DOES 1-10,

15 Counterdefendants.
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DECLARATION OF SHINICHI OOKA

I, Shinichi Ooka, declare as follows:

1. I am the President of Tsuburaya Productions Co., Ltd. (“Tsuburaya”). I make this declaration of personal, firsthand knowledge, and, if called and sworn as a witness, I could and would testify competently thereto.

2. After first working for Tsuburaya in 1969 as a filming assistant for a few years, I worked in the entertainment industry generally and returned to Tsuburaya in 2004 as a Production General Manager. I became President in 2008.

3. Tsuburaya is an entertainment company headquartered in Tokyo, Japan. The company was founded in 1963 by filmmaker Eiji Tsuburaya. Today, Tsuburaya has over 70 full time employees, and over 90 employees work for Tsuburaya in total. Our Ultraman products and shows have been shown all over the world, including in China, Singapore, Malaysia, Taiwan, Indonesia, the Philippines, Brazil, Ecuador, Peru, Bolivia, Mexico, Korea, India, the United Kingdom, France, Germany, Italy, Australia and the United States.

4. In the 1960s, Tsuburaya created the superhero character “Ultraman.” Over the course of the next decade, Tsuburaya produced a number of live-action motion pictures based on the Ultraman character, including *Ultra Q*, then *Ultraman*, *Ultra Seven*, *The Return of Ultraman*, *Ultraman Ace*, *Ultraman Taro*, and *Jumborg Ace*. In the ensuing decades, Tsuburaya has developed or authorized the development of dozens of other audio-visual and literary works and products based on Ultraman, which have been released and marketed around the world, including in the United States.

5. In 1973 and 1974, Tsuburaya co-created two derivative works, *Jumborg Ace and Giant* and *The 6 Ultra Brothers vs. the Monster Army*, with

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1 Sompote Saengduenchai (“Sompote”), an individual from Thailand, and his
2 production company, Chaiyo Productions.

3 6. In 1973, Eiji Tsuburaya’s son, Noboru Tsuburaya, became the
4 President of Tsuburaya. Noboru Tsuburaya died on June 11, 1995. Noboru’s son,
5 Kazuo Tsuburaya, succeeded Noboru as the President of the company.

6 7. In May 1996, Sompote presented to Kazuo Tsuburaya a document
7 called a “License Granting Agreement” that allegedly was dated March 4, 1976, and
8 signed by Noboru Tsuburaya. The document was written in English and purported
9 to grant to Sompote certain rights in the Ultraman works that were in existence as of
10 the date on the agreement. Sompote demanded that his alleged rights be honored
11 by Tsuburaya. Nobody from Tsuburaya had ever before seen or heard about this
12 document. After some initial uncertainty about whether the contract could possibly
13 be valid, Tsuburaya determined that it was an invalid document that had been forged
14 by Sompote. Tsuburaya has maintained that position ever since, including through
15 multiple lawsuits in various countries that relate to the validity of that document.

16 8. I declare under penalty of perjury under the laws of the United States of
17 America that the foregoing is true and correct.

18 Executed on this 9th day of August, 2016, at Tokyo, Japan

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21 SHINICHI OOKA

22 Shinichi Ooka
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